



महाराष्ट्र शासन राजपत्र

असाधारण भाग आठ

वर्ष ५, अंक १८]

मंगळवार, जून २५, २०१९/आषाढ ४, शके १९४१

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असाधारण क्रमांक ४०

प्राधिकृत प्रकाशन

महाराष्ट्र विधानमंडळाचे अधिनियम व राज्यपालांनी प्रख्यापित केलेले अध्यादेश व केलेले विनियम आणि विधि व न्याय विभागाकडून आलेली विधेयके (इंग्रजी अनुवाद).

In pursuance of clause (3) of article 348 of the Constitution of India, the following translation in English of the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments in the public services and posts under the State) for Socially and Educationally Backward Classes (SEBC) (Amendment and Validation) Act, 2019 (Mah. Act No. III of 2019), is hereby published under the authority of the Governor.

By order and in the name of the Governor of Maharashtra,

RAJENDRA G. BHAGWAT,
Secretary (Legislation) to Government,
Law and Judiciary Department.

MAHARASHTRA ACT No. III OF 2019

(First published, after having received the assent of the Governor in the "Maharashtra Government Gazette", on the 25th June 2019)

An Act to amend the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments in the public services and posts under the State) for Socially and Educationally Backward Classes (SEBC) Act, 2018.

WHEREAS both Houses of the State Legislature were not in session ;

AND WHEREAS the Governor of Maharashtra was satisfied that circumstances existed which rendered it necessary for him to take immediate action to amend the

Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments in the public services and posts under the State) for Socially and Educationally Backward Classes (SEBC) Act, 2018, for the purposes hereinafter appearing ; and, therefore, promulgated the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments in the public services and posts under the State) for Socially and Educationally Backward Classes (SEBC) (Amendment and Validation) Ordinance, 2019, on the 20th May 2019 ;

Mah.
LXII
of 2018.

Mah.
Ord. XIII
of 2019.

AND WHEREAS it is expedient to replace the said Ordinance by an Act of the State Legislature ; it is hereby enacted in the Seventieth Year of the Republic of India as follows :—

Short title and
commencement.

1. (1) This Act may be called the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments in the public services and posts under the State) for Socially and Educationally Backward Classes (SEBC) (Amendment and Validation) Act, 2019.

(2) It shall be deemed to have come into force with effect from the 30th November 2018.

Amendment of
section 16 of
Mah. LXII of
2018.

2. In section 16 of the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments in the public services and posts under the State) for Socially and Educationally Backward Classes (SEBC) Act, 2018 (hereinafter referred to as “the principal Act”), in sub-section (2), in the Explanation,—

Mah. LXII
of 2018.

(a) after clause (i), the following clause shall be inserted and shall always be deemed to have been inserted, namely :—

“(ia) in case of admission to be made to the courses on the basis of National Eligibility-*cum*-Entrance Test or any other National Entrance Test and other eligibility criteria for admission in State quota seats in Government Colleges and all seats in Private Colleges, notwithstanding anything contained in clause (i) or in any order, judgement or direction of any Court, the last date for filing up of application form for admission to such courses to State quota to the Admission Regulatory Authority or the Commissioner of State CET is lapsed ; or” ;

(b) in clause (ii), after the words “other than on the basis of the entrance test” the words, brackets and letters “referred to in clause (i) or the National Eligibility-*cum*-Entrance Test and other eligibility criteria referred to in clause (ia)” shall be inserted and shall always be deemed to have been inserted.

Validation.

3. Notwithstanding anything contained in any law, rule, document or instrument to the contrary, or in any judgment, order or direction of any Court, any action taken including any admission made or taken or seat allotted (including any procedure followed thereat) in accordance with the provisions of the principal Act, as amended by this Act and the provisions of the Maharashtra Unaided Private Professional Educational Institutions (Regulation of Admissions and Fees) Act, 2015 or any other law for the time being in force, during the period commencing on the date of commencement of the principal Act and ending on the date of publication of this Act in the *Official Gazette*, shall be valid and shall always be deemed to have been validly taken or done or made in accordance with the principal Act and any other law for the time being in force applicable therefor.

Mah.
XXVIII
of 2015.

Declaration and
removal of
doubt.

4. For the removal of doubt, it is hereby declared that, in view of the provisions of section 3,—

(a) all acts or things done by the State Government or any officer of the State Government or any admission made by the authority shall, for all purposes

be deemed to be, and to have always been done or taken in accordance with the provisions of the law and the procedure prescribed by the Regulatory Authority ;

(b) no suit, appeal, application, or other proceedings shall lie or be maintained or be maintained or continued in any Court or before any Tribunal, officer or authority, in respect of admissions on the basis of National Eligibility-cum-Entrance Test and other eligibility criteria for admission in State-Quota seats in Government colleges and all seats in Private Colleges, in accordance with the law as it stood immediately before the date of publication of this Act in the *Official Gazette* ;

(c) no court, Tribunal or officer or other authority shall, enforce any decree or order directing any admission on the basis of National Eligibility-cum-Entrance Test and other eligibility criteria for admitting students in Government Colleges and other Private Colleges, in accordance with the law, as it stood immediately before the date of publication of this Act in the *Official Gazette*.

Mah.
Ord. XIII
of 2019.

5. (1) The Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments in the public services and posts under the State) for Socially and Educationally Backward Classes (SEBC) (Amendment and Validation) Ordinance, 2019, is hereby repealed.

Repeal of Mah.
Ord. XIII of 2019
and saving.

(2) Notwithstanding such repeal, anything done or any action taken (including any notification or order issued) under the corresponding provisions of the principal Act, as amended by the said Ordinance, shall be deemed to have been done, taken or issued, as the case may be under the corresponding provisions of the principal Act, as amended by this Act.